

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward P. Ingenito
Serial No.: 10/069,307
Confirmation No.: 1962
Filed: September 26, 2002
For: TISSUE VOLUME REDUCTION
Examiner: Q. H. Vu
Art Unit: 3763

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant thanks Examiner Vu for the courtesy of an in-person interview with the undersigned on April 10, 2008.

During the interview, the claims were discussed in relation to the Perkins et al. reference (US Patent No. 6,287,290) cited in the Office Action dated January 9, 2008. In particular, claim 1 was discussed.

The undersigned explained that Perkins et al. does not disclose promoting stable volume reduction of a targeted region of a patient's lung by introducing material into a diseased alveolar region of the lung. Rather, Perkins et al. aspirates air from a lung tissue segment in order to collapse it, and then in some cases introduces a plug or other occlusion into an air passage leading to the collapsed segment to prevent it from re-inflating. The undersigned pointed to the statements in Perkins et al., at lines 31-36 of column 2, that the "target lung tissue segment may then be collapsed by aspirating air ... from the segment," and that "[o]ptionally, the air passage may then be sealed, for example by deploying a plug within the air passage."

The undersigned explained that the agents recited in column 3, lines 23-34, of Perkins et al., are used to promote gas flow within a lung tissue segment so that air can be aspirated from that segment in order to collapse it. The undersigned pointed to the statement of Perkins et al., at lines 23-26 of column 3, that "gas flow obstructions within the target lung tissue segment may be reduced by introducing an agent which clears gas flow obstructions and/or dilates the air passages to permit gas flow around any blockages."

The undersigned also explained that the shaded region in FIG. 4C of Perkins et al. represents a region that is collapsed by aspiration. The undersigned pointed to the statements in Perkins et al., at lines 24-29 of column 9, that a vacuum is applied "to aspirate the internal regions within the isolated lung tissue segment in order to collapse the tissue," and that this "results in a collapsed lung tissue region CLT, as shown as a shaded region in Fig. 4C."

Agreement on the claims was not reached. However, the Examiner indicated that she would consider further claim amendments in view of the discussion of Perkins et al. described above.

Dated: June 6, 2008

Respectfully submitted,

By Pat L H Waller

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